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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

KEVIN ROBERT SULLIVAN,

Defendant and Appellant.

H046075
(Santa Clara County
Super. Ct. No. C1780198)

Defendant Kevin Robert Sullivan pleaded no contest to driving under the influence with three or more prior convictions. The trial court granted a three-year term of probation with one year in county jail.

We appointed counsel to represent Sullivan in this court. Appointed counsel filed an opening brief stating the case and the facts, but raising no specific issues on appeal. We notified Sullivan of his right to submit written argument on his own behalf within 30 days. The deadline has passed and we received no response.

We have reviewed the entire record under *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). (See also *People v. Kelly* (2006) 40 Cal.4th 106 (*Kelly*).) We conclude there is no arguable issue on appeal. We will affirm the judgment.

I. FACTUAL AND PROCEDURAL BACKGROUND

The prosecution charged Sullivan with two counts: Count 1—driving under the influence of alcohol with three or more prior convictions (Veh. Code, §§ 23152,

subd. (a), 23550, subd. (a))¹; and count 2—driving with a blood alcohol level of 0.08 percent with three or more prior convictions (§§ 23152, subd. (b), 23550, subd. (a)). The complaint alleged Sullivan had suffered three prior convictions for violating section 23152.

Sullivan pleaded no contest to count 2 and admitted the prior convictions. The trial court suspended imposition of sentence and granted a three-year term of probation including one year in county jail.

The record does not contain any description of the facts underlying the offense. The parties stipulated to a factual basis for the plea.

Sullivan filed a timely notice of appeal and did not request a certificate of probable cause.

II. DISCUSSION

Sullivan raised no claims in response to our letter informing him of appellate counsel's position. We reviewed the entire record under *Wende, supra*, 25 Cal.3d 436, and *Kelly, supra*, 40 Cal.4th 106. The record shows Sullivan was adequately advised of his rights and the consequences of his plea. He freely, knowingly, and intelligently waived his rights and entered his plea. He sought no certificate of probable cause, and the record contains no indication of ineffective assistance of counsel. Finally, no sentencing error appears.

We conclude there is no arguable issue on appeal. Accordingly, we will affirm the judgment.

III. DISPOSITION

The judgment is affirmed.

¹ Subsequent undesignated statutory references are to the Vehicle Code.

Greenwood, P.J.

WE CONCUR:

Bamattre-Manoukian, J.

Danner, J.

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